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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 AMERICAN HOMES 4 RENT PROPERTIES  
10 ONE, LLC,

No. C 13-2694 SI

11 v.  
12 Plaintiff,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
REMANDING CASE TO THE SUPERIOR  
COURT FOR THE COUNTY OF  
CONTRA COSTA**

13 LYSSETT M. REYES, et al.,

Defendants.

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16 On June 12, 2013, *pro se* defendant Lysette M. Reyes removed this unlawful detainer action  
17 from state court. Magistrate Judge Spero ordered defendant to show cause why the case should not be  
18 remanded for lack of federal jurisdiction. Plaintiff also filed a motion to remand. On July 12, 2013,  
19 Judge Spero held a hearing on the order to show cause and plaintiff's motion to remand. Defendant did  
20 not appear nor has defendant filed any opposition to plaintiff's motion to remand.

21 On July 12, 2013, Judge Spero issued a Report and Recommendation re: Order to Show Cause  
22 and Motion to Remand. The Report and Recommendation finds that there is no jurisdiction because  
23 there are no federal claims alleged in the unlawful detainer complaint and there is no basis for diversity  
24 jurisdiction. It also finds that attorneys' fees and costs are not appropriate. The Report and  
25 Recommendation was served on defendant by mail. No objections to the Report and Recommendation  
26 were filed by the July 26, 2013 deadline. This case was reassigned to the undersigned judge.

27 The Court has reviewed the Notice of Removal and Judge Spero's Report and Recommendation,  
28 and concludes that removal was improper and that this Court lacks jurisdiction for the reasons stated

1 in the Report and Recommendation. The Court also finds that attorneys' fees and costs are not  
2 appropriate for the reasons stated. Accordingly, the Court ADOPTS the Report and Recommendation  
3 and REMANDS this case to the Superior Court for the County of Contra Costa.

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5 **IT IS SO ORDERED.**

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7 Dated: July 30, 2013

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*Susan Illston*

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SUSAN ILLSTON  
United States District Judge

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